

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NORTH JERSEY MEDIA GROUP INC., :  
Plaintiff, :  
-against- : 13 Civ. 6494 (AKH)  
SARAH PAC, SARAH PALIN AND JOHN : ECF Case  
DOE NOS. 1-5, :  
Defendants. :  
- - - - - X

DECLARATION OF JENNIFER A. BORG IN OPPOSITION  
TO DEFENDANTS' MOTION TO DISMISS OR TRANSFER

JENNIFER BORG hereby declares pursuant to 28 U.S.C. § 1746 that the following is true and correct.

1. I am Vice President, General Counsel and  
Corporate Secretary of plaintiff North Jersey Media Group Inc.  
("NJMG").

2. I will almost certainly be called as a trial witness for NJMG in this action. I am the person most knowledgeable about NJMG's licensing of the WTC Flag Raising Photograph that is the subject of this action. I have worked on the licensing of that photograph since 2001. In a pending action that NJMG is prosecuting in this District for infringement of that photograph, I testified at deposition, and plan to testify at the trial, in this District.

3. This District would present the most convenient forum for me. Although I work at NJMG's office in Woodland Park, New Jersey, I live on the West Side of Manhattan. It would be more convenient for me to attend a trial in this District than in the District of New Jersey.

4. It would be terribly inconvenient for me to testify at a trial in the District of Alaska. I have never been to Alaska, and have no plans to go there in the future.

5. NJMG has a substantial nexus to New York. As part of its newsgathering activities, NJMG regularly assigns reporters and photographers to cover news, including sports and entertainment news, in this District. In addition, NJMG sells newspapers in this District. NJMG's two websites had more than 900,000 unique visitors from New York State in November 2013, according to Google Analytics. The nexus between NJMG and New York State requires NJMG to pay New York State corporate taxes, and to collect (and file returns concerning) New York State sales and use taxes.

6. It would therefore be more convenient for NJMG to litigate in this District than in the District of Alaska.

I declare under penalty of perjury that the foregoing

is true and correct.

Executed this 24th day of December 2013.



Jennifer A. Borg

A handwritten signature in black ink, appearing to read "J" and "B" followed by "Jennifer A. Borg". The signature is fluid and cursive, with a horizontal line underneath it.